

not acquit the prisoner unless they found him to have been insane; and that it ought to have been left to the jury to say whether the prisoner in fact had no intention of doing grievous bodily harm. The Court of Criminal Appeal (Darling, Walton and Pickford, JJ.) thought that the rule in such cases is this—that the presumption that everyone intends the natural consequences of his acts may be rebutted by shewing the mind of the accused to have been so affected by drink that he was incapable of knowing that what he was doing was dangerous, i.e., likely to inflict serious injury—and that the charge of Coleridge, J., was substantially in accordance with that rule. The appeal was therefore dismissed.

TRADE UNION—RESTRAINT OF TRADE—ACTION BY MEMBER
AGAINST UNION—STRIKE PAY—DECLARATORY JUDGMENT—
TRADE UNION ACT, 1871 (34-35 VICT. C. 31) S. 4—39-40 VICT.
C. 22, S. 6—(R.S.C. C. 125, SS. 2, 4(i)).

Gozney v. Bristol Trade & P. Society (1909) 1 K.B. 901. This was an action brought against a trade union by a member of the society for a declaratory judgment and to recover the sum of 2s. 6d. alleged to have been improperly withheld from the plaintiff by the defendants. Although the amount at stake was trifling the principle involved was important. The plaintiff was in receipt of sick pay and was subjected to a deduction of 2s. 6d. for breach of the rules of the society. The action was to obtain a declaration that he had not broken the rules, and to compel payment of the 2s. 6d. The society was registered under the Act as a trade union. Its rules among other things provided for the payment of sick pay to members, and also for the payment of "strike pay" in case of strikes. The County Court judge who tried the action thought that some of the purposes of the society were in restraint of trade and therefore the court was precluded by the Trade Union Act, 1871, s. 4, (R.S.C. c. 125, s. 4) from entertaining jurisdiction and his opinion was affirmed by the Divisional Court (Channell and Sutton, JJ.); but the Court of Appeal (Cozens-Hardy, M.R. and Moulton and Buckley, L.JJ.) came to a different conclusion on the ground that a trade union per se may be lawful altogether apart from the Trade Union Act, and such the Court of Appeal held the union in question to be, and which as far as the sick benefits were concerned, was in the nature of a friendly society, and on that ground the plaintiff was entitled to relief. The fact that the rules provided for "strike pay," was held to involve no illegality; a strike not being